

## **EXHIBIT - 12 AFFIDAVIT**

### **Assurances**

The undersigned Respondent hereby submits to the City of Phoenix (City) the enclosed Revenue Contract Solicitation Response (Response) based upon all terms and conditions set forth in the City's Revenue Contract Solicitation (RCS) and referenced materials. Respondent further specifically agrees hereby to provide services in the manner set forth in the Response submitted by Respondent.

The undersigned Respondent acknowledges and states, under penalty of perjury, as follows:

1. The City is relying on Respondent's submitted information and the representation that Respondent has the capability to successfully undertake and complete the responsibilities and obligations submitted in its Response and in the resulting Contract.
2. The City has the right to make any further inquiry it deems appropriate to substantiate or supplement information supplied by Respondent.
3. Respondent has read and fully understands all the provisions and conditions set forth in the RCS documents, upon which its Response is based.
4. The forms and information requested in the RCS are complete and made part of Respondent's Response. The City is not responsible for any Respondent errors or omissions.
5. This Response may be withdrawn by requesting such withdrawal in writing at any time prior to the Response deadline but may not be withdrawn after such date and time.
6. The City reserves the right to reject any and all Responses and to accept the Response that, in its judgment, will provide the best quality of service to the City at reasonable rates.
7. This Response is valid for a minimum of 120 days subsequent to the RCS Response deadline.
8. All costs incurred by Respondent in connection with this Response will be borne solely by Respondent. Under no circumstances will the City be responsible for any costs associated with Respondent's Response or the RCS process.
9. Respondent has not in any manner, directly or indirectly, conspired with any person or party to unfairly compete or compromise the competitive nature of the RCS process.
10. The contents of this Response have not been communicated by the undersigned nor by any employee or agent to any other person engaged in this type of business prior to the official opening of this Response.
11. To the best of the Respondent's knowledge, the information provided in its Response is true and correct and neither the undersigned Respondent nor any Partner, corporate officer or managing employee have ever been convicted of a felony or a crime involving moral turpitude.
12. Respondent has provided its Partners and/or business affiliates, if any, with a copy of its Response and the Draft Lease, and acknowledges and agrees that all are in agreement with the terms set forth with no material changes.

**Legal Status**

- 1. In the past 7 years, have you personally, or any business with which you have been involved, been declared bankrupt, filed a petition in any bankruptcy court, filed for protection from creditors in bankruptcy court, or had involuntary proceedings filed in bankruptcy court? If "Yes," provide date, court jurisdiction, case name, case number, amount of liabilities, amount of assets and the status of each occurrence. (Attach additional pages as necessary)  

Yes  No
- 2. Have you personally, or any business with which you have been involved, ever been a defaulter as surety upon any obligation to the City? If "Yes," provide details. (Attach additional pages as necessary)  

Yes  No
- 3. Are there any pending liens, claims or litigation in excess of \$1,000,000 involving Respondent? If "Yes," provide detailed information regarding complaints about how the quality of Respondent's services was unsatisfactory. (Attach additional pages as necessary)  

Yes  No
- 4. Has the Respondent been involved in any lawsuits in the past 5 years? If "Yes," provide list. (Attach additional pages as necessary)  

Yes  No
- 5. Have any of the Respondent's contracts been terminated prior to their expiration terms, voluntarily or involuntarily, within the last 5 years? If "Yes," provide name, location, and date of the contract(s). (Attach additional pages as necessary)  

Yes  No
- 6. Has the Respondent, or any corporation or other entity that has, directly or indirectly, a controlling interest in the Respondent, or any subsidiary of the Respondent or other entity in which the Respondent has a controlling interest or any of the Respondent's principals, officers, or directors ever been barred from bidding on federal, state, or local government contracts? If "Yes," provide the current status of such suspension or debarment proceedings. (Attach additional pages as necessary)  

Yes  No
- 7. Respondent intends to operate the business as a (check one):  
Corporation  General Partnership  Member-Managed LLC   
Joint Venture  Limited Partnership  Manager-Management LLC   
Sole Proprietorship  Limited Liability Partnership
- 8. Respondent intends to operate the following RCS 24-001 Childcare Services Facility at Phoenix Sky Harbor International Airport for the term of the Lease:

\_\_\_\_\_, dba \_\_\_\_\_, a \_\_\_\_\_.  
Legal Name Trade Name Legal Entity

Name of **Respondent's** Company (Legal Name): \_\_\_\_\_

Printed Name of Authorized Person: \_\_\_\_\_

Title: \_\_\_\_\_

Business Address of Respondent: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Signature of Authorized Person\*: \_\_\_\_\_

\*Must be signed by an individual authorized to contractually bind the Respondent's company.

**NOTARIZED**

State of \_\_\_\_\_ County of \_\_\_\_\_

This Affidavit was subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by  
\_\_\_\_\_  
(full name of the affiant).

\_\_\_\_\_  
Notary Public (signature)

Affix Notary Seal